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PATENT/Docket No.: 28341/00233.NCP

**DECLARATION (37 CFR §1.63) AND POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled HUMAN CASPASE-12 MATERIALS AND METHODS, Docket No. 28341/00233.NCP, the specification of which

- ☐ is attached hereto.
- ☒ was filed on May 8, 2001 as Application Serial No.09/851,873 and was amended on \_\_\_\_\_.
- ☒ was filed on May 8, 2001 as PCT International Application No. PCT/US01/15103 and was amended under PCT Article 19 on \_\_\_\_\_, if applicable.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56(a).

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

Application  
Serial No.  
60/203,162

Filing Date  
(Day/Month/Year)  
9 May 2000

I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

Application  
Serial No.

Country

Filing Date  
(Day/Month/Year)

Priority Claimed  
(Yes/No)

I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application  
Serial No.

Filing Date

Status (Patented,  
Pending, Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Carl W. Battle (Registration No. 30,731), James D. Darnley, Jr. (Registration No. 33,673), Bruce Stein (Registration No. 27,231), Thomas A. Wootton (Registration No. 35,004), Lucy X. Yang (Registration No. 40,259), Andrew M. Solomon (Registration No. 32,175), Edward F. Rehberg (Registration No. 34,703), Ellen Park (Registration No. 34,055), Bruce A. Pokras (Registration No. 32,748), John B. Lungmus (Registration No. 18,566) Alvin D. Shulman (Registration No. 19,412), Allen H. Gerstein (Registration No. 22,218), Nate F. Scarpelli (Registration No. 22,320), Michael F. Borun (Registration No. 25,447), Trevor B. Joike (Registration No. 25,542), Carl E. Moore, Jr. (Registration No. 26,487), Richard H. Anderson (Registration No. 26,526), Patrick D. Ertel (Registration No. 26,877), Richard B. Hoffman (Registration No. 26,910), James P. Zeller (Registration No. 28,491), Kevin D. Hogg (Registration No. 31,839), Jeffrey S. Sharp (Registration No. 31,879), Martin J. Hirsch (Registration No. 32,237), James J. Napoli (Registration No. 32,361), Richard M. La Barge (Registration No. 32,254), Douglass C. Hochstetler (Registration No. 33,710), Robert M. Gerstein (Registration No. 34,824), James A. Flight (Registration No. 37,622), Roger A. Heppermann (Registration No. 37,641), David A. Gass (Registration No. 38,153), Gregory C. Mayer (Registration No. 38,238), Joseph A. Williams, Jr. (Registration No. 38,659), William K. Merkel (Registration No. 40,725), and Audrey Bartnicki (Registration No. 40,499) all registered to practice before the Patent and Trademark Office as my attorneys or agents with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith and request that all correspondence and telephone communications be directed to the following person(s) at the mailing address and telephone number hereafter given:

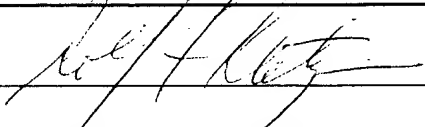
Name : William K. Merkel

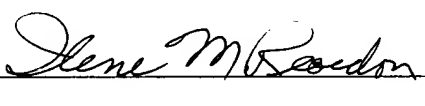
Registration No. : 40,725

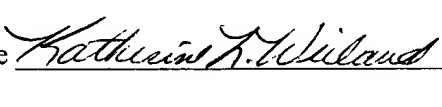
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